

RECEIVED  
CENTRAL FAX CENTER



MEYERTONS SEP 29 2006  
HOOD  
KIVLIN  
KOWERT  
& GOETZEL

700 LAVACA, SUITE 800  
AUSTIN, TEXAS 78701  
TELEPHONE (512) 853-8800  
FACSIMILE (512) 853-8801

A PROFESSIONAL CORPORATION

PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

**FAX**

To: USPTO - ATTN: PAUL SHANOSKI

From: B. Noël Kivlin, Esq.

Fax: 571-273-8300

Pages: 8 (including cover page)

Phone:

Date: September 29, 2006

Re: SN 09/303,464 (5181-93900)

Phone: 512-853-8840

Please see attached Renewed Petition to Withdraw Holding of Abandonment.

Thank you.

THIS FACSIMILE TRANSMITTAL AND THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL CONTAIN CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT YOU ARE NOTIFIED THAT THIS COMMUNICATION MAY BE SUBJECT TO THE ATTORNEY-CLIENT OR WORK-PRODUCT PRIVILEGE AND THAT THE DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (COLLECT) TO ARRANGE FOR RETURN OF THE DOCUMENTS. RECEIPT BY ANYONE OTHER THAN THE INTENDED RECIPIENT IS NOT A WAIVER OF ANY ATTORNEY-CLIENT OR WORK-PRODUCT PRIVILEGE.

RECEIVED  
CENTRAL FAX CENTER  
SEP 29 2006**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of:  
Sistare, et al.

Serial No.: 09/303,464

Filed: April 30, 1999

For: SYSTEM AND METHOD FOR  
CONTROLLING  
CO-SCHEDULING OF  
PROCESSES OF PARALLEL  
PROGRAMS§ Group Art Unit: 2194  
§ Examiner: Ho, Andy  
§ PTO Attorney: Shanoski, Paul  
§  
§ Atty. Dkt. No.: 5181-93900  
§I hereby certify that this correspondence is being facsimile  
transmitted to the U.S. Patent and Trademark Office (Fax No.  
(571) 273-8300) on the date indicated below.

B. Noel Kivlin

Name of Registered Agent

Signature

Date

9-29-06

**Renewed Petition Under 37 C.F.R. 1.181:**  
**Petition to Withdraw Holding of Abandonment**Mail Stop Petition  
Commissioner for Patents  
**ATTENTION: PAUL SHANOSKI**  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby submits this Renewed Petition under 37 C.F.R. 1.181 for the above identified application in response to the Decision on Petition mailed September 22, 2006. The Decision states: "Petitioner has failed to provide an attestation to the fact that a search of the file jacket and docket records indicates that the Office communication was not received."

Applicant respectfully draws attention to the Statement in Support of Response to Notice of Abandonment that was filed with Applicant's prior Petition that provided this statement. Applicant also specifically states herein that a search by the Applicant's representative of the file jacket and docket records indicates that the Notice of Allowance was not received.

Applicant received a Notice of Abandonment in the above identified application indicating that Applicant failed "to pay the required issue fee within the statutory period of three months from the mailing date of a Notice of Allowance." **However, Applicant did not receive a Notice of Allowance. Attached hereto is a true and correct copy of the docket record of the undersigned with regard to the subject application.** The undersigned has no record of receipt of a Notice of Allowance with regard to the above-identified application. The undersigned believes that the Notice of Allowance was never received.

Applicant therefore respectfully requests entry of this Renewed Petition Under 37 C.F.R. 1.181 in the application and requests that the Notice of Abandonment be withdrawn. Applicant further requests that a re-dated Notice of Allowance be mailed to the addressee currently of record.

When an office action requiring a response, including a Notice of Allowance, is received from the U.S. Patent Office by our office, the due date for responding to the office action is entered into our computerized docketing system. This information is entered using the Attorney Docket Number identified on the office action. The office action is subsequently routed and physically placed into the corresponding application file.

**Applicant's representative has reviewed the file and index sheet of the above-identified patent application and can find no indication that a Notice of Allowance was received.**

Applicants' representative encloses a copy of the docket record corresponding to the above referenced application. If the allegedly mailed Notice of Allowance was received, the docket record would indicate a due date for formal drawings and issue fee, the typical response to a Notice of Allowance. The enclosed docket record copy does not show a formal drawings and issue fee due date, thus indicating that the Notice of Allowance was not received from the U.S. Patent Office. Applicants' representative has searched the respective file and can find no

indication of the allegedly mailed Notice of Allowance therein.

Not knowing of the Notice of Allowance, Applicant did not respond thereto. This statement is signed by Applicants' representative, B. Noël Kivlin, and our firm's docket paralegal, Sonie Nasabee.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made that the knowledge that willful false statements in the like so may are punishable by fine, or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which the verified statement is directed to.

\*\*\*\*\*

**Name:** Sonie Nasabee

**Title:** Docketing Paralegal  
Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P. O. Box 398  
Austin, Texas 78767-0398

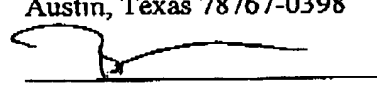
Signature: 

Date: 9-29-06

\*\*\*\*\*

**Name:** B. Noël Kivlin

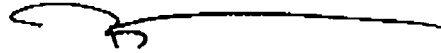
**Title:** Attorney for Applicants  
Reg. No. 33,929  
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P. O. Box 398  
Austin, Texas 78767-0398

Signature: 

Date: 9-29-06

If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel Deposit Account No. 50-1505/5181-93900/EBM.

Respectfully submitted,



B. Noël Kivlin  
Registration No. 33,929

Meyertons, Hood, Kivlin,  
Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
(512) 703-1247  
Date: 9-29-06

RECEIVED  
CENTRAL FAX CENTER

SEP 29 2006

**Country Application**

Thursday, August 10, 2006

Page: 1

Case Number: 5181-93900	Country: US	SubCase:
Client: SUN MICROSYSTEMS	United States of America	
Case Type: ORD	Application Status: Pending	
Application Number: 09/303464	Filing Date: 30-Apr-1999	
Publication Number:	Publication Date:	
Patent Number:	Issue Date:	
Parent/PCT Number:	Parent/PCT Date:	
Parent Issue Number:	Parent Issue Date:	
Tax Schedule: LE	Expiration Date:	
Confirmation #:	Patent Term Adjustment: 0	
Owner:	Agent Reference #:	
Agent:		

App. Title: SYSTEM AND METHOD FOR CONTROLLING CO-SCHEDULING OF  
PROCESSES OF PARALLEL PROGRAMTax Start Date:  
Family Reference:Inventors:  
Nicholas J. Nevin  
Steven J. SistareRemarks: Notice of Abandonment rec'd 8/7/06.  
Abstract:

**Country Application**

Thursday, August 10, 2006

Page: 2

**List Of Actions**

Action(s) Due	Due Date	Indicator	Action Taken Resp.
Filing Receipt	30-Jul-1999	Reminder	14-Sep-2001
IDS	30-Jul-1999	Due Date	20-Nov-2003
Client Letter	30-Jan-2000	Due Date	14-Sep-2000
Foreign Filing Deadline	30-Apr-2000	Due Date	14-Sep-2001
Expect Action	30-Apr-2001	Due Date	14-Sep-2001
6 Mon Soft Date	13-Dec-2001	Due Date	14-Sep-2001
Expect Office Action	30-Apr-2002	Due Date	02-Jul-2002
Status Letter	30-Apr-2002	Due Date	14-Sep-2001
Status Letter	30-Apr-2003	Due Date	09-Jun-2003
Response Due	04-Sep-2003	Due Date	04-Sep-2003
Response Due	01-Mar-2004	Due Date	04-Feb-2004
Brief Due	04-Apr-2004	Due Date	15-Mar-2004
Final Deadline	01-Jun-2004	Due Date	04-Feb-2004
Response Due	11-Jun-2004	Due Date	10-Jun-1940
Notice of Appeal	09-Jun-2005	Due Date	02-Jun-2005
Response Due	09-Jun-2005	Due Date	04-May-2005
Response Due	09-Jun-2005	Due Date	02-Jun-2005
Brief Due	02-Aug-2005	Due Date	27-Jul-2005
Final Deadline	09-Sep-2005	Due Date	04-May-2005

Country Application		Thursday, August 10, 2006		Page: 3
Notice of Appeal - Deadline	09-Sep-2005	Due Date	02-Jun-2005	
Response Due	18-Jan-2006	Due Date	04-Jan-2006	

Created By: sonie

User ID: Celia

Date Created: 26-Jul-2001

Last Update: 07-Aug-2006